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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,145	10/05/2000	David Drell	i,e.,199-0095US	2642
22830	7590	05/05/2005	EXAMINER	
<b>CARR &amp; FERRELL LLP</b> 2200 GENG ROAD PALO ALTO, CA 94303				BARQADLE, YASIN M
ART UNIT		PAPER NUMBER		
2153				

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/684,145	DRELL, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

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**Response to Amendment**

1. The amendment filed on December 22, 2004 has been fully considered but are not deemed to be persuasive.

- Claims 8-22 are presented for examination.

**Response to Arguments**

In response to Applicant's arguments in page 7, last paragraph that "Hardy contains no teaching or suggestion of 'receiving audio or video signals from the plurality of remote conference endpoints.'" Examiner contends that Hardy teaches this limitation. For example, Hard teaches receiving video information from each one of a plurality of video sources, the plurality of video sources including a remote video source col. 3, lines 12-17. Network interface 90 receives remote video and audio information from at least one remote conference site and transmits the received remote video and audio information to Mux/Demux unit col. 5, lines 24-39). Hardy refers remote endpoints as remote sites see col. 6, lines 47-51. Therefore, Hardy clearly teaches this limitation.

In response to Applicant's arguments in page 8, first and second paragraphs that "Because Hardy discloses only a single remote

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endpoint, Hardy fails to teach or suggest 'creating of plurality of processing trains...uniquely corresponding to one of the plurality of conference points,'" As explained above, Hardy teaches more than one single remote endpoint. Hardy teaches that a videoconference environment typically includes a plurality of conference sites, commonly referred to as endpoints, which are geographically separated but electronically linked together to enhance collaboration between and among individuals at the various conference sites. Additionally, Hardy teaches a video block that generates and processes local video information. The video block also receives and processes remote graphical video information from mux/demux. Hardy also teaches receiving remotely generated physical video information from video processor 40 and graphical video information from slide application col. 5, lines 61 to col. 6, line 30. Each videoconference system at the conference sites of a videoconference communicates received remote conference information to users at the corresponding conference site. Additionally, one or more of videoconference systems include one or more processing devices such as computer system 60 for transmitting graphical information (e.g., computer graphics and/or user generated slides or slide annotations) col. 25, lines 12-29.

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In response to Applicant's arguments in page 9-10, that "there is also no CPU present to control these activities." See videoconference system 1, fig. 1 and corresponding description of the functions performed by each processing and controller unit.

In response to Applicant's arguments in page 9, last paragraph that "Hardy has no teaching or suggestion that any of its information streams are the combination of local audio and video data with remote audio and video data." Examiner contends that Hardy teaches mixing local audio and video information with remote audio and video information using mux/demux 80 fig. 1. See col. 5, line 24-58 and col. 6, lines 16-61.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hardy USPN (6025870).

As per claim 8, Hardy teaches a method for conducting a conference between a near conference endpoint and a plurality of remote conference endpoints connected for communication by a network, comprising the steps of (figs 1 and col. 3, lines 12-49) :

at the near conference endpoint:

generating local audio and video signals [local audio and video are generated col.5, line 50 to col. 6, line 34 and col. 25, lines 12-29];

receiving audio and video signals from the plurality of remote conference endpoints [audio and video information are

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received from plurality remote conference sources of col. 3,  
lines 13-34 and col.5, line 32 to col. 6, line 34];

creating a plurality of processing trains for processing  
the received signals, each processing train uniquely  
corresponding to one of the plurality of remote conference  
endpoints [col. 3, lines 13-34 and col.5, line 24 to col. 6,  
line 51. see col. 25, lines 12-29];

processing the received audio and video signals [col. 3,  
lines 13-34 and col.5, line 32 to col. 6, line 34];

combining the processed audio and video signal with the  
local audio and video signal [col. 5, line 24-58 and col. 6,  
lines 16-61]; and

transmitting the combined audio and video signals to each  
of the plurality of remote conference endpoints [col. 5, lines  
32-65 and col.6, lines 25-61].

As per claim 9, Hardy teaches the method of claim 8, wherein the  
step of *creating a plurality of processing trains* includes  
creating a communication process and a set of codecs [col. 5,  
lines 12-65 and col. 25, lines 12-50].

As per claim 10, Hardy teaches the method of claim 8, wherein  
the step of combining the processed audio and video signal is

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performed using an audio mixer and video-switching module (video switch 30) [col.5, line 49 to col. 6, line 34].

As per claim 11, Hardy teaches the method of claim 8 further comprising providing a circuit switch for instantiating, the plurality of processing trains, the circuit switch including dynamically allocable inverse multiplexers [col.5, line 32-65 and col. 6, line 25-51].

As per claim 12, Hardy teaches the method of claim 10, wherein the video switching module is selectively operable in a continuous presence mode, wherein images corresponding to each of the plurality of conference endpoints are displayed in separate areas of a composite image [col.5, line 49 to col. 6, line 34].

As per claim 13, Hardy teaches a the multi-point capable video conferencing endpoint comprising (figs 1 and col. 3, lines 12-49) :

a network interface (network interface 90) for receiving remote audio and video data from a plurality of remote endpoint through a network [col. 3, lines 13-34 and col.5, line 32 to col. 6, line 34];  
an audio interface (fig. 1, Block 4) for receiving local

audio data from a local source [col. 5, lines 12-60];  
a video interface (fig. 1, Block 3) for receiving local  
video data from a local source [col. 5, lines 12-60]; and  
a CPU (CPU 40 ,70, controller 26) programmed to control  
receipt of the remote audio and video data, receipt of the local  
audio and video data [col.5, line 24 to col. 6, line 34];  
combination of the remote audio and video data with the  
local audio and video data [col.5, line 32 to col. 6, line 61];  
and  
transmission of the combined audio and video data to each  
of the plurality, of remote endpoints through the network [col.  
5, lines 32-65 and col.6, lines 25-51].

As per claim 14, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the CPU is further programmed to instantiate a plurality of processing trains corresponding to the plurality of remote endpoints, wherein each processing train receives the, audio and video data from a single remote endpoint [conferencing application processes locally generated audio and video data for processing remotely generated audio and video data received from the remote conference endpoint [col. 5, lines 32-48].

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As per claim 15, Hardy teaches the multi-point capable video conferencing endpoint of claim 14, wherein each processing train comprises:

a communication process for sending and receiving the audio and video data to and from a single remote endpoint [col. 5, lines 32-65];

a video codec in communication with the communication process for encoding the sent video data and decoding the received video data [video codecs are inherent feature of processing and mixing received video signals and col.5, line 32 to col. 6, line 34]; and

an audio codec communication with the communication process for encoding the sent audio data and decoding the received audio data [audio codecs are inherent feature of processing and mixing received audio signals col.5, line 32 to col. 6, line 34].

As per claim 16, Hardy teaches the multi-point capable video conferencing endpoint of claim 15, further Comprising:

a video switching module (video switch 30) in communication with each of the plurality of processing trains and the video interface for combining the local video data with the remote video data [col.3, lines 1-55]; and

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an audio mixing module in communication with each of the plurality of processing trains and the audio interface for combining the local audio data with the remote audio data [col.5, line 32 to col. 6, line 34].

As per claim 17, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the network interface comprises a plurality of ISDN ports corresponding to the plurality of remote endpoints [col.5, line 24-39].

As per claim 18, Hardy teaches the multi-point capable video conferencing endpoint of claim 13, wherein the network interface comprises an Ethernet connection [col.5, line 24-39].

As per claim 19, this is a means claim with similar limitations as claim 1 and 13 above. Therefore, it is rejected with the same rationale.

As per claim 20, Hardy teaches the multi-point capable video conferencing endpoint of claim 19, wherein the means for receiving audio data from a local audio source and video data from local video source comprises a first means for receiving

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audio and a second means for receiving video data [col.5, line 24-65].

As per claim 21, Hardy teaches the multi-point capable video conferencing endpoint of claim 19, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a first means for combining audio data and a second means for combining video data [col.5, line 24-65].

As per claim 22, Hardy teaches the multi-point capable video conferencing endpoint of claim 21, wherein the means for combining the local audio data with the remote audio data and the local video data with the remote video data further comprises a first means for combining audio data and a second means for combining video data [col.5, line 24-65].

### **Conclusion**

3. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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